

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
WARREN MATTHEW GIDDINGS,

Plaintiff,

-against-

OANDA CORP., et al.,

Defendants.
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21-CV-5251 (VSB)

ORDERVERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on June 8, 2021. (Doc. 1.) Because Plaintiff has been granted permission to proceed IFP, Plaintiff was entitled to rely on the Court and the U.S. Marshals Service to effect service. (See Doc. 14.) After a series of extensions of time to serve, (Docs. 27, 31, 39, 49, 52, 73, 75, 86, 91, 98, 99, 105, 106, 109, 110), the U.S. Marshals timely filed an affidavit of service on Defendant Oanda Corp., (Doc. 111). The deadline for Defendant Oanda Corp. to respond to Plaintiff's complaint was August 30, 2022. (See Doc. 111.) To date, Defendant Oanda Corp. has not appeared or responded to the complaint. On October 31, 2022, I ordered Plaintiff that if he intended to seek a default judgment, he do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than November 28, 2022. (See Doc. 112.) Plaintiff, however, has taken no action to prosecute this case against Defendant Oanda Corp.

Accordingly, if Plaintiff intends to seek a default judgment, he is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than December 13, 2022. I warn Plaintiff that if he fails to seek a default judgment or otherwise demonstrate that he intends to prosecute this litigation against Defendant Oanda Corp., I will

dismiss his claims against Defendant Oanda Corp. pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to mail a copy of this order to pro se Plaintiff, along with a copy of Docs. 111 and 112, and a copy of my Individual Rules and Practices in Civil Cases.

SO ORDERED.

Dated: November 29, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script, and "Broderick" follows in a similar but slightly smaller script. The signature is positioned above the printed name and title.

VERNON S. BRODERICK
United States District Judge